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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X CASE NO:

MICHAEL WILLIAMS; TABITHA DANIELS, AS  
PARENT AND GUARDIAN OF MINOR CHILD  
MYQUELL DANIELS; TABITHA DANIELS,  
AS PARENT AND GUARDIAN OF MINOR CHILD  
MICHAEL LEWIS ; TABITHA DANIELS, AS  
PARENT AND GUARDIAN OF MINOR CHILD  
MAYAZJA LEWIS,

PLAINTIFFS' COMPLAINT

PLAINTIFFS,

-against-

(Plaintiffs demands a trial by jury  
of all issues herein)

THE CITY OF NEW YORK; THE NEW YORK  
CITY POLICE DEPARTMENT, "JOHN DOES  
#1-5"; AND "RICHARD ROES, #1-#5"

DEFENDANTS.

-----X

The plaintiffs, by and through their attorney Gary S. Fish, Esq., sets forth the  
following as their Complaint herein.

#### I. PARTIES AND JURISDICTION

1. On or about July 5, 2018, , and at all times relevant herein, all the plaintiffs,  
African- Americans, resided and reside at 173 Campbell Avenue, Staten Island, NY 10310,  
and plaintiffs Michael Williams and Tabitha Daniels, resided therein, with  
their minor children, Myquell Daniels, Michael Lewis and Mayazja Lewis.

2. On or about July 5, 2018. and at all times relevant herein, on information and belief, the defendant The City of New York was and is a domestic corporation lawfully organized and existing under the laws of the State of New York, and on said date and at all times relevant herein, said defendant had and has a principal place of business located at 530 Municipal Building, New York, New York 10007.

3. On or about July 5, 2018, and at all times relevant herein, defendant The New York City Police Department, on information and belief, was under the dominion, possession, ownership and/or control of defendant The City of New York, and said defendant The New York City Police Department, which on information and belief had and has a principal place of business at One Police Plaza, NY, NY 10007, at all times relevant herein, acted pursuant to a municipality implemented plan, decision, custom and/or usage and each act of wrongdoing herein after alleged to have been committed by individual police officers who are presently unascertained, was pursuant to a municipality implemented plan, decision, custom and/or usage of long standing, and was within the scope of their agency and/or authority and/or employment on behalf of defendant The New York city Police Department and/or defendant The City of New York.

4. On or about July 5, 2018, and at all times relevant herein, on information and belief, defendants “John Doe, #1-#5, and “Richard Roe, #1-#5, , are NYPD police officers, presently unascertained, who allegedly kicked down and put a hole in the door of plaintiffs’ home on or about July 5, 2018, and in addition, each act of wrongdoing herein after alleged to have been committed by these defendants was committed within the scope of their agency and/or authority and/or employment under a municipality implemented policy, statement, ordinance,

regulation, custom and/or decision officially adopted by that body's officers, resulting in the herein after stated constitutional violations, on behalf of defendant The City of New York, which expressly and/or impliedly ratified each said act of wrongdoing.

5. On or about July 5, 2018, and at all times relevant herein, defendants "John Does #1-#5", and defendants "Richard Roes, #1-#5" wrongfully arrested and/or prosecuted plaintiff Michael Williams and, these defendants pursuant to a municipality implemented plan, custom, rule and/or decision, wrongfully fabricated inculpatory evidence and/or suppressed exculpatory evidence pertaining to this plaintiff herein on or about July 5, 2018, and pertaining to plaintiffs Tabitha Daniels, and pertaining to plaintiff Tabitha Daniels, Parent and guardian of her minor sons Myquell Daniels (DOB: 3-22-2003), minor son Michael Lewis (DOB: 1-6-2001), and minor daughter Mayazja Lewis (DOB: 12-21-2001) on or about July 5, 2018 and thereafter.

6. Pursuant to 28 U.S.C. Section 1343(a)(3), the Federal Court herein has original jurisdiction to redress the deprivation of civil rights under color of any State law, statute, ordinance of any right privilege, or immunity secured by the U.S. Constitution, providing for equal rights of citizens or of all persons within U.S. jurisdiction, and jurisdiction exists herein.

7. Pursuant to 28 U.S.C. Section 1391(b), in a case in which jurisdiction is not solely founded on diversity jurisdiction, such as the present case, venue is proper where the defendant resides or a judicial district where a substantial part of the events giving rise to the claim occurred, and venue is proper therefor in the United States District Court, Eastern District of NY.



COUNT I  
(VIOLATION OF 42 U.S.C SECTION 1983, FALSE ARREST)  
PLAINTIFF MICHAEL WILLIAMS against ALL DEFENDANTS)

8. On or about July 5, 2018, while plaintiff Michael Williams was lawfully ensconced in his home at 173 Campbell Avenue, Staten Island, NY 10310, with plaintiff Tabitha Daniels, and their children, Myquell Daniels, Micahel Lewis and Mayazja Lewis, defendants “John Does #1-#5” and defendants “Richard Roes, #1-#5” within the scope of their agency and/or employment and/or authority on behalf of defendant The New York City Police Department, and pursuant to a municipality implemented plan, decision, ordinance, regulation and/or long standing custom and usage, without a warrant and/or without probable cause and/or in an ultra vires manner beyond the scope of any foreseeable warrant, kicked down and put a hole in the front door, and stated inter alia “we are searching for somebody.” and also stated to plaintiff Michael Williams “We finally got your ass. You’re going away for a long time.”

9. The aforesaid defendants on or about July 5, 2018 broke six (6) windows in plaintiffs’ home, using a police baton extension device and a flashlight.

10. The defendants, and each of them, on or about July 5, 2018 made an unreasonable search and/or seizure of plaintiff Michael Williams, and/or violated his rights to due process and/or equal protection of law by so arresting him wrongfully, intentionally, without probable cause, for alleged criminal possession of a controlled substance, to wit, a Percocet tablet, and/or possession of crack cocaine, which criminal case, Richmond Criminal Court, Docket #04500C-2018 was dismissed on or about October 4, 2019. The July 27, 2020 executed and notarized CPL Section 160.50 unsealing authorization is attached hereto, ad Plaintiff Exhibit “1”.

The damage to plaintiffs' door in their home is attached as Plaintiff Exhibit "2".

11. As a result of defendants' false arrest, plaintiff Michael Williams was in custody for approximately 48 hours, and also sustained injuries to his left wrist, and right ankle as a result of said false arrest.

12. As a result of defendants' false arrest, plaintiff Michael Williams was caused to incur and will incur hospital, medical and medical-related expenses.

13. The aforesaid constitutional violations were wanton, willful, egregious, and opprobrious, were calculated to and did result in plaintiff Michael Williams loss of liberty and property rights, and defendants, and each of them, are liable for punitive and exemplary damages as a result thereof.

14. The false arrest of plaintiff Michael Williams constituted suppression of exculpatory evidence and/or fabrication of inculpatory evidence in one or more of the following ways, in that:

(a) The Omniform Complaint and/or Arrest report prepared by defendants as a police business record stated that that probable cause to arrest plaintiff for possession of controlled substance(s) existed, though the defendants knew that was not true; (b) The Omniform Complaint and/or Arrest report prepared by defendants as a business record stated that there existed probable cause to arrest plaintiff, though defendants knew that the laboratory and/or scientific tests prepared in connection with the case showed that the substances allegedly found in plaintiff's home were not illegal in nature.

COUNT II  
(VIOLATION OF 42 U.S.C. SECTION 1983, FALSE ARREST,  
TABITHA DANIELS, PARENT AND GUARDIAN OF MINOR CHILD  
MYQUELL DANIELS against ALL DEFENDANTS)

15. Plaintiff herewith repeats, restates and realleges Paragraphs 1-14 herein above.

16. On or about July 5, 2018, defendants “John Does, #1-#5” and defendants Richard Roe, #1-#5”, wrongfully, intentionally, without probable cause, arrested minor child Myquell Daniels, placed handcuffs and ankle cuffs on said minor child, and placed said child in a police van for approximately five (5) hours.

17. As a result of said false arrest, said minor child Myquell Daniels sustained emotional pain and suffering, and incurred hospital, medical and medical-related expenses, which will long continue.

18.. Defendants violation of 42 U.S.C Section 1983 was willful, deliberate, egregious, oppressive, in conscious disregard of said minor child’s liberty and property rights, and defendants are liable for punitive and exemplary damages therefor.

19.. As a result of defendants’ violation of 42 U.S.C. Section 1983, the plaintiff incurred reasonable attorney fees and costs.

COUNT III  
(VIOLATION OF 42 U.S.C.. SECTION 1983-FALSE ARREST,  
PLAINTIFF TABITHA DANIELS, PARENT AND GUARDIAN OF  
MINOR CHILD MICHAEL LEWIS against ALL DEFENDANTS)

20. Plaintiff herewith repeats, restates and realleges Paragraphs 1-19 herein above.

21. On or about July 5, 2018, defendants “John Does, #1-#5” and defendants “Richard Roe, #1-#5”, wrongfully, intentionally, without probable cause, arrested minor child Michael Lewis, placed handcuffs and ankle cuffs on said minor child., and placed said minor child in a police van for approximately five (5) hours.

22. As a result of said false arrest, said minor child sustained emotional pain and suffering, And incurred hospital, medical and medical-related expenses, which will long continue..



COUNT IV.

( VIOLATION OF 42 U.S.C. SECTION 1983, FALSE ARREST,  
TABITHA DANIELS, PARENT AND GUARDIAN OF MINOR CHILD  
MAYAZJA LEWIS against ALL DEFENDANTS)

23. Plaintiff herewith repeats, restates and realleges Paragraphs 1-22 herein above.

24. On or about July 5, 2018, defendants "John Does, #1-#5" and defendants "Richard Roe, #1-#5" wrongfully, intentionally, and without probable cause, grabbed minor child Mayazja Lewis on her blouse and/or her breasts, and also then wrongfully, intentionally, without probable cause arrested her, placed her in handcuffs and ankle cuffs, and placed her in a police van for approximately five (5) hours.

25. As a result of said false arrest, said minor child sustained emotional pain and suffering, and also incurred hospital, medical and medical-related expenses, which will long continue.

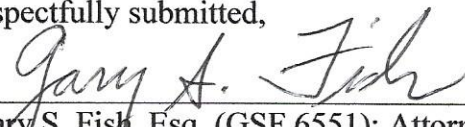
WHEREFORE, plaintiff prays for relief as follows:

AS AND FOR EACH OF THE FIRST, SECOND, THIRD AND FOURTH COUNTS:

1. For damages in the amount of Four Hundred Thousand Dollars and Zero Cents (\$400,000.00);
- 2 For punitive and exemplary damages in the amount of Two Million Dollars and Zero Cents (\$2,000,000.00);
3. For reasonable attorney fees and costs;
4. For disbursements; and
5. For any other just relief deemed proper by the Court.

DATED: NY, NY; JULY 29, 2020

Respectfully submitted,

  
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